

**BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF SOUTH DAKOTA**

**IN THE MATTER OF THE FILING BY U S WEST
COMMUNICATIONS, INC. FOR APPROVAL OF A
RESALE AGREEMENT BETWEEN U S WEST
COMMUNICATIONS, INC. AND TOPP COMM, INC.**

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**ORDER DISAPPROVING
AGREEMENT**

TC99-003

On January 6, 1999, the South Dakota Public Utilities Commission (Commission) received a filing from U S WEST Communications, Inc. (U S WEST) for approval of a negotiated resale agreement between U S WEST and Topp Comm, Inc. (Topp Comm) pursuant to 47 U.S.C. " 252(a)(1) and 252(e).

On January 7, 1999, the Commission electronically transmitted notice of this filing to interested individuals and entities. The notice stated that any person wishing to comment on the parties' request for approval had until January 29, 1999, to do so. Parties to the agreement had until February 9, 1999, to file written responses to the comments. No parties filed comments.

At its duly noticed June 8, 1999, meeting, the Commission considered whether to approve the interconnection agreement between U S WEST and Topp Comm. Commission Staff recommended not approving the agreement as Topp Comm did not have a certificate of authority to provide local service in South Dakota.

The Commission has jurisdiction over this matter pursuant to SDCL Chapter 49-31, specifically 49-31-81, and the Federal Telecommunications Act of 1996. Upon review of the agreement, the Commission found that pursuant to 47 U.S.C. ' 252(e)(2)(A), the implementation of this agreement would be inconsistent with the public interest, convenience, and necessity. It is therefore

ORDERED, that pursuant to 47 U.S.C. ' 252(e) and SDCL 49-31-81, the Commission does not approve the interconnection agreement which is the subject of this docket.

Dated at Pierre, South Dakota, this 22nd day of June, 1999.

<p style="text-align: center;">CERTIFICATE OF SERVICE</p> <p>The undersigned hereby certifies that this document has been served today upon all parties of record in this docket, as listed on the docket service list, by facsimile or by first class mail, in properly addressed envelopes, with charges prepaid thereon.</p> <p>By: _____</p> <p>Date: _____</p> <p style="text-align: center;">(OFFICIAL SEAL)</p>	<p>BY ORDER OF THE COMMISSION:</p> <p style="text-align: center;">_____ PAM NELSON, Commissioner</p> <p style="text-align: center;">_____ LASKA SCHOENFELDER, Commissioner</p>
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